

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

In re: Claudia Payton

Case No. 12-12253

Chapter 13 ☒

Debtor(s).

LOSS MITIGATION REQUEST BY DEBTOR(S) AND CERTIFICATE OF SERVICE

PURSUANT TO SECTION V OF THE COURT'S LOSS MITIGATION PROGRAM PROCEDURES, THE CREDITOR(S) NAMED HEREIN HAS/HAVE 14 DAYS FROM SERVICE OF THIS REQUEST TO FILE AND SERVE AN OBJECTION TO LOSS MITIGATION REQUEST AND A NOTICE OF HEARING ON OBJECTION TO LOSS MITIGATION REQUEST ON THE DEBTOR(S), DEBTOR(S)' ATTORNEY, AND THE CASE TRUSTEE. IF AN OBJECTION TO LOSS MITIGATION REQUEST AND A NOTICE OF HEARING ON OBJECTION TO LOSS MITIGATION REQUEST ARE NOT FILED, THE COURT MAY ENTER A LOSS MITIGATION ORDER.

I am/We are the Debtor(s) in this case and hereby request to enter into the Loss Mitigation Program with respect to my/our Property located at:

Address: 1754 Crane Street Schenectady New York 12303
_____;

With the following Creditor(s):

Creditor's Name and Address:

Rushmore Loan Management Services

P.O. 55004

Irvine, CA 92619-2708

Additional Creditor's Name and Address:

With respect to the Property, Creditor is the holder of a:

- ☒ First Mortgage
☐ Second Mortgage
☐ Other (please specify): _____

With respect to the Property, Additional Creditor is the holder of a:

- ☒ First Mortgage
☐ Second Mortgage
☐ Other (please specify): _____

Signature:

I understand that if the court orders Loss Mitigation in this case, I am required to comply with the Loss Mitigation Program Procedures and will participate in good faith. **I understand that Loss Mitigation is voluntary for all parties and that I am not required to enter into any agreement or settlement with any other party as part of entry into the Loss Mitigation Program. I also understand that no other party is required to enter into any agreement or settlement with me.** I understand that I am not required to request dismissal of my case as part of any resolution or settlement that is offered or agreed to during Loss Mitigation. I also understand that if a Loss Mitigation Order is entered, I am responsible pursuant to section VII(B) of the Loss Mitigation Program Procedures for adjourning any matters pending between the Loss Mitigation Parties for which I am the movant. I certify that the Property in question consists only of real property used as my principal residence in which I hold an interest.

Dated: 4/23/15


Debtor

Dated: _____

Joint Debtor

Loss Mitigation Contact Information for Attorney for Debtor(s):

Name: Justin Myers, Esq.

Title: _____

Firm: Barbaruolo Law Firm, P.C.

Address: 12 Cornell Road

Address 2: _____

City: Latham State: NY Zip Code: 12110

Phone No.: (518) 782-9100 Facsimile No.: (518) 782-9101

Email Address: jmyers@bwlawpc.com

CERTIFICATE OF SERVICE

I, Justin Myers, state under penalty of perjury that the following is true and accurate.

(1) That I am not a party to this action, am over 18 years of age, and reside in Albany, New York.

(2) That on April 28, 20 15, I served a true and accurate copy of the above Loss Mitigation Request by Debtor(s)—

—by notice of electronic filing (NEF) via the CM/ECF system upon the following parties at the email addresses listed below:

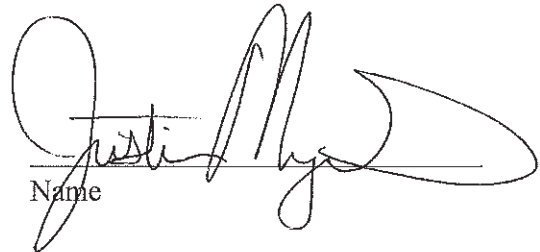
Craig Edelman, Esq. <craig.edelman@buckleymadole.com>

Andrea E. Celli, Esq. <legal@ch13albany.com>

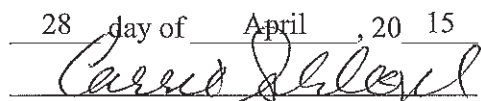
—by first class mail upon the following parties at the addresses listed below:

—by certified mail upon the following parties at the addresses listed below:

Dated: April 28, 20 15
Latham, New York


Name

Sworn to before me this

28 day of April, 20 15

Notary Public, State of New York

CARRIE SCHLEGEL
Notary Public, State of New York
No. 01SC5025691
Qualified in Schenectady County
Commission Expires 04/04/2018